

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Marc A. Mandro, Larry B. Gray
Application No.: 10/625,792
Filed: July 23, 2003
For: Optical Displacement Sensor for Infusion Devices

Group No.: 2878
Examiner: Lee, P.J

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)**

Applicant hereby appeals to the Board from the final rejection by the Primary Examiner, mailed October 3, 2006, for a second time rejecting claims 1-20 and now also objecting to the word "therebetween," which we respectfully maintain is a valid English word and note that it is included in the claims of no less than 206,736 U.S. patents and in the specifications of no less than 400,994 U.S. patents issued between 1976 and the present (based on "quick" searches of the U.S. Patent Database).

1. STATUS OF APPLICANT

This application is on behalf of a large entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Notice of Appeal is:

Large entity	\$500.00
Notice of Appeal fee due	\$500.00

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for two months:

Fee	\$450.00
------------	-----------------

If an additional extension of time is required, please consider this a petition therefor.

Extension fee due with this request	\$450.00
-------------------------------------	----------

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$500.00
Extension fee	\$450.00
TOTAL FEE DUE	\$950.00

5. FEE PAYMENT

Authorization is hereby made to charge the amount of \$950.00 to Deposit Account No. 19-4972.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

Date: March 5, 2007

/Jeffrey T. Klayman/

Jeffrey T. Klayman
Registration No. 39,250
BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110-1618
U.S.
617-443-9292
Customer No. 02101

01062/00D78 629219.1